REMARKS

Claim Status

Claims 1, 31, and 34 – 42 are pending in the present application. Claim 2 has hereby been cancelled.

Claim 1 has been amended to specify the form of the laundry detergent composition and the presence of builder and at least one detersive surfactant. Support for this amendment is available in the specification at page 5, lines 15 – 27. Claim 1 has further been amended to recite the ingredients of the fabric conditioning composition. Support for this amendment is available in the specification at page 7, lines 23 – 30. Claim 1 has further been amended to recite that the perfume is the same. Support for this amendment is available in the specification at page 17, lines 3 – 6. Moreover, Claim 1 has been amended to recite a second coordinate element. Support for this amendment is available in the specification at page 15, lines 17 – 20.

No additional claims fee is believed to be due.

Objections

Claim 2 has been objected to because of informalities. Claim 2 has hereby been cancelled, obviating this objection. As such, Applicants respectfully request that this objection be withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Cheok in view of Vinson, and further in view of Trinh

Claims 1, 2 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,746,353 to Cheok *et al.* (hereinafter "Cheok") in view of U.S. Patent No. 6,015,781 to Vinson *et al.* (hereinafter "Vinson"), and further in view of U.S. Patent No. 5,207,933 to Trinh *et al.* (hereinafter "Trinh"). Applicants respectfully submit that this rejection is no longer applicable in light of the presently recited Claims. First, the cited references fail to teach or suggest each and every element of the present invention. Second, the obviousness argument is overcome by the showing of unexpected results from the earlier

submitted January 17, 2008 George Kavin Morgan Declaration under 37 C.F.R. § 1.132 (hereinafter "Morgan Declaration"). Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

To establish a *prima facie* obviousness, all the claim elements must be shown to be taught or suggested by the prior art reference. *See In re Royka*, 490 F.2d 981 (C.C.P.A. 1974); MPEP § 2143.03. Furthermore, references relied upon to support a rejection under 35 U.S.C. § 103 must provide enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 606 F.2d 303 (C.C.P.A. 1979).

Applicants respectfully submit that the cited references, alone and in combination, fail to teach or suggest a kit for caring for a fabric article consisting of: (a) a laundry detergent composition and a fabric treatment composition (selected from either a liquid fabric conditioning composition or a dryer sheet),

> wherein the laundry detergent composition and the fabric treatment composition comprise the following coordinated elements: a perfume which is the same in the laundry detergent composition as in the fabric treatment composition, and a second coordinated element comprising at least one of a fabric softener active, an anti-static active, an anti-microbial active, a deodorizing active, and a combination thereof, wherein the second coordinated element of the second coordinated element is the same in the laundry detergent composition and the fabric treatment composition.

(Emphasis added).

Applicants submit that one skilled in the art of using perfumes for fabric treatment and laundering purposes would understand that by reciting that the perfumes are the "same" means that although the perfumes in the laundry detergent composition and the fabric treatment composition may delivery the same perfume scent, there may be minor changes in the actual perfume composition required to make the perfume compatible and suitable for used in the different composition matrices, such as the laudry detergent, the liquid fabric conditioner, and the dryer sheet.

Applicants respectfully point out that none of Cheok, Vinson, and/or Trinh, when considered alone or in combination, would have led one of skill in the art to arrive at the invention as presently recited in Claim 1. The Office Action at page 8 alleges that: "Also,

each of the 3 separate prior art of record, as discussed in paragraphs 6 – 8 above, teaches perfume in the laundry detergent, liquid fabric softener or dryer sheet, respectively and the perfume used have at least one same ingredient, even though the references are combination references." Applicants respectfully disagree and submit that one of skill would not have arrived at the first coordinated element and the second coordinated element because there has been now showing of a motivation or suggestion to coordinate both a perfume and a second element across the laundry detergent and a fabric treatment composition.

Applicants submit that there are a very large number of perfumes which can be used for laundry detergent compositions and fabric treatment compositions. Applicants submit that the number of perfumes can be in the order of thousands, even tens of thousands of different perfumes. Applicants point out that the present invention, however has achieved the unexpected and surprising benefits including additive and synergistic effects obtained by using the "same" perfume as a coordinated element. *See* Morgan Declaration.

MPEP § 2144.08 states that "Rebuttal evidence may also include evidence that the claimed invention yields unexpectedly improved properties of properties not present in the prior art. Rebuttal evidence may consist of a showing that the claimed compound possesses unexpected properties. *Dillon*, 919 F.2d 692-93, 16 USPQ2d at 1901. A showing of unexpected results must be based on evidence, not argument or speculation."

Applicants submit that the attached Morgan Declaration establishes that it would not have been obvious to arrive at the present invention because of the surprising additive and synergistic benefits demonstrated by the present invention. The Morgan Declaration provides evidence showing that the present invention, comprising at least perfume as a coordinating element, provides unexpected and surprising results of having the additive effect of increasing initial dry fabric odor after laundering as well as increased dry fabric odor over time. Moreover, the declaration shows how the relative % of dry fabric odor decreased at a lower rate over time as compared to the test runs which were conducted without perfume as a coordinating element.

Applicants submit the cited references fail to establish a *prima facie* case of obviousness of the present invention as recited in Claim 1. Further, even if a *prima facie* case

of obviousness has been established, Applicants submit that the earlier provided Morgan Declaration provides evidence of unexpected and surprising results provided by the present invention. As such, Applicants request that this rejection be accordingly withdrawn.

Rejection Under 35 U.S.C. § 103(a) Over Vinson in view of Trinh

Claims 1, 2, and 34 – 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vinson in view of Trinh. This rejection is traversed for same reasons as set forth above regarding the rejection under 103(a) over Cheok in view of Vinson, and further in view of Trinh. First, the cited documents fail to support a *prima facie* case of obviousness because they do not teach or suggest all of the elements of Claims 1, particularly failing to teach or suggest the coordinated elements of the perfume and the second coordinated element. Second, the obviousness allegation is overcome by the showing of unexpected results in the attached Morgan Declaration. Thus, the present invention is unobvious and that the rejection should be withdrawn.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned agent for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the above mentioned rejections. Early and favorable action in the case is respectfully requested. Should any additional fees be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

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